

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 771

Introduced by Senator Simitian

February 22, 2005

An act to amend Sections 39630, 39631, and 39632 of, and to amend the heading of Chapter 3.3 (commencing with Section 39630) of Part 2 of Division 26 of, the Health and Safety Code, and to amend Sections 72400, 72410, 72420, 72421, 72441, 72500, 72505, 72520, 72521, 72540, and 72542 of, to amend the heading of Division 38 (commencing with Section 72400) and the heading of Division 39 (commencing with Section 72500) of, and to add Sections 72425.5, 72425.6, and 72425.7 to, the Public Resources Code, relating to Sections 72410, 72420, 72440, and 72441 of, to amend the heading of Division 38 (commencing with Section 72400) of, to amend and repeal Sections 72400 and 72430 of, to add Sections 72420.2, 72423, and 72440.1 to, to add and repeal Sections 72401 and 72420.1 of, to repeal Division 39 (commencing with Section 72500) of, and to repeal and add Sections 72421 and 72425 to, the Public Resources Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 771, as amended, Simitian. Oceangoing ships.

(1) Existing law prohibits a cruise ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast.

This bill would also prohibit an oceangoing ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast.

(2) Existing law regulates the release of graywater, sewage sludge, oily bilgewater, hazardous waste, or other waste by large passenger vessels into the marine waters of the state and marine sanctuaries. Existing law also regulates, until January 1, 2010, the release of sewage by large passenger vessels into the marine waters of the state.

This bill would also regulate the release of graywater, sewage, sewage sludge, oily bilgewater, hazardous waste, or other waste by oceangoing ships, as defined, into the marine waters of the state and marine sanctuaries.

The bill would require the master, owner, operator, agent, or person in charge of an oceangoing ship who has operated, or has caused to be operated, the oceangoing ship in the marine waters of the state during 2006, to provide certain information relating to ports of call and sewage, graywater, and blackwater discharge, in electronic or written form to the State Lands Commission upon the vessel's departure from its first port or place of call in California beginning in 2006. The bill would require the commission to submit the reported information to the State Water Resources Control Board on or before February 1, 2007. The bill would require the board to submit the reported information to the Legislature on or before April 1, 2007.

This bill would also consolidate the provisions regulating the release of these substances from large passenger vessels and oceangoing ships.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Chapter 3.3 (commencing with
2 Section 39630) of Part 2 of Division 26 of the Health and Safety
3 Code is amended to read:

4

5 CHAPTER 3.3. CRUISE SHIPS AND OCEANGOING SHIPS

6

7 SEC. 2. Section 39630 of the Health and Safety Code is
8 amended to read:

1 39630. The Legislature finds and declares that it is in the
2 interests of all Californians to protect the air quality from
3 increasing volumes of cruise ship engine and oceangoing ship
4 engine emissions.

5 SEC. 3. Section 39631 of the Health and Safety Code is
6 amended to read:

7 39631. (a) The state board shall enforce this chapter, and
8 may adopt standards, rules, and regulations for that purpose
9 pursuant to Section 39601.

10 (b) As used in this division, “cruise ship” means a commercial
11 vessel that has the capacity to carry 250 or more passengers for
12 hire. “Cruise ship” does not include the following:

13 (1) Vessels without berths or overnight accommodations for
14 passengers.

15 (2) Noncommercial vessels, warships, vessels operated by
16 nonprofit entities as determined by the Internal Revenue Service,
17 and vessels operated by the state, United States, or a federal
18 government.

19 (3) Oceangoing ships, as defined in subdivision (c).

20 (c) As used in this division, “oceangoing ship” means a
21 private, commercial, government, or military vessel of 300 gross
22 registered tons or more calling on California ports or places.

23 SEC. 4. Section 39632 of the Health and Safety Code is
24 amended to read:

25 39632. Commencing on January 1, 2005, a cruise ship, and
26 commencing on January 1, 2006, an oceangoing ship, shall not
27 conduct onboard incineration while operating within three miles
28 of the California coast, to the extent allowed by federal law.

29 SEC. 5. The heading of Division 38 (commencing with
30 Section 72400) of the Public Resources Code is amended to read:

31
32 DIVISION 38. LARGE PASSENGER VESSELS AND
33 OCEANGOING SHIPS
34

35 SEC. 6. Section 72400 of the Public Resources Code, as
36 amended by Section 1 of Chapter 764 of the Statutes of 2004, is
37 amended to read:

38 72400. ~~(a)~~ The Legislature finds and declares ~~that the both of~~
39 *the following:*

1 (a) *California is home to four of the 13 National Marine*
2 *Sanctuaries. These areas support some of the world's most*
3 *diverse marine ecosystems and are home to numerous mammals,*
4 *seabirds, fish, invertebrates, and plants.*

5 (b) *The protection and enhancement of the quality of the*
6 *marine waters of the state and marine sanctuaries, and the*
7 *protection of the public health and the environment, requires that*
8 *the release from large passenger vessels and oceangoing ships of*
9 *hazardous waste, other waste, sewage sludge, and oily*
10 *bilgewater, into the marine waters of the state and marine*
11 *sanctuaries, and the release of graywater by large passenger*
12 *ships into the marine waters of the state, should be prohibited.*

13 ~~(b) The Legislature finds and declares that the protection and~~
14 ~~enhancement of the quality of the marine waters of the state~~
15 ~~requires that the release of sewage from large passenger vessels,~~
16 ~~and the release of sewage and graywater from oceangoing ships~~
17 ~~with sufficient holding tank capacity, into the marine waters of~~
18 ~~the state should be prohibited.~~

19 ~~(c) The Legislature intends to request the Congress of the~~
20 ~~United States to amend the Federal Water Pollution Control Act~~
21 ~~(33 U.S.C. Sec. 1251 and following) to provide California with~~
22 ~~authority similar to that granted to the State of Alaska by Public~~
23 ~~Law 106-554, to regulate the release of sewage from large~~
24 ~~passenger vessels and oceangoing ships in the marine waters of~~
25 ~~the state.~~

26 ~~(d) This section shall remain in effect only until January 1,~~
27 ~~2010, and as of that date is repealed, unless a later enacted~~
28 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
29 ~~that date.~~

30 ~~SEC. 7. Section 72400 of the Public Resources Code, as~~
31 ~~added by Section 1.5 of Chapter 764 of the Statutes of 2004, is~~
32 ~~amended to read:~~

33 ~~72400. (a) The Legislature finds and declares that the~~
34 ~~protection and enhancement of the quality of the marine waters~~
35 ~~of the state and marine sanctuaries requires that the release from~~
36 ~~large passenger vessels and oceangoing ships of sewage sludge~~
37 ~~and oily bilgewater into the marine waters of the state and marine~~
38 ~~sanctuaries should be prohibited.~~

39 ~~(b) This section shall become operative on January 1, 2010.~~

1 *SEC. 7. Section 72400 of the Public Resources Code, as*
2 *added by Section 1.5 of Chapter 764 of the Statutes of 2004, is*
3 *repealed.*

4 ~~72400. (a) The Legislature finds and declares that the~~
5 ~~protection and enhancement of the quality of the marine waters~~
6 ~~of the state and marine sanctuaries requires that the release from~~
7 ~~large passenger vessels of sewage sludge and oily bilgewater,~~
8 ~~into the marine waters of the state and marine sanctuaries, should~~
9 ~~be prohibited.~~

10 ~~(b) The Legislature finds and declares that the protection and~~
11 ~~enhancement of the quality of the marine waters of the state~~
12 ~~requires that the release of sewage from large passenger vessels~~
13 ~~into the marine waters of the state should be prohibited.~~

14 ~~(c) The Legislature intends to request the Congress of the~~
15 ~~United States to amend the Federal Water Pollution Control Act~~
16 ~~(33 U.S.C. Sec. 1251 and following) to provide California with~~
17 ~~authority similar to that granted to the State of Alaska by Public~~
18 ~~Law 106-554, to regulate the release of sewage from large~~
19 ~~passenger vessels in the marine waters of the state.~~

20 ~~(d) This section shall remain in effect only until January 1,~~
21 ~~2010, and as of that date is repealed, unless a later enacted~~
22 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
23 ~~that date.~~

24 *SEC. 8. Section 72401 is added to the Public Resources*
25 *Code, to read:*

26 ~~72401. (a) The Legislature finds and declares that the~~
27 ~~protection and enhancement of the quality of the marine waters~~
28 ~~of the state requires that the release of sewage from large~~
29 ~~passenger vessels, and the release of sewage and graywater from~~
30 ~~oceangoing ships with sufficient holding tank capacity, into the~~
31 ~~marine waters of the state should be prohibited.~~

32 ~~(b) The Legislature intends to request the Congress of the~~
33 ~~United States to amend the Federal Water Pollution Control Act~~
34 ~~(33 U.S.C. Sec. 1251 and following) to provide California with~~
35 ~~authority similar to that granted to the State of Alaska by Public~~
36 ~~Law 106-554, to regulate the release of sewage from large~~
37 ~~passenger vessels and oceangoing ships in the marine waters of~~
38 ~~the state.~~

39 ~~(c) This section shall remain in effect only until January 1,~~
40 ~~2010, and as of that date is repealed, unless a later enacted~~

1 *statute, that is enacted before January 1, 2010, deletes or extends*
2 *that date.*

3 ~~SEC. 8.—~~

4 *SEC. 9.* Section 72410 of the Public Resources Code is
5 amended to read:

6 72410. (a) Unless the context otherwise requires, the
7 definitions set forth in this section govern this division.

8 (b) “Board” means the State Water Resources Control Board.

9 (c) “Commission” means the State Lands Commission.

10 (d) “Graywater” means drainage from dishwasher, shower,
11 laundry, bath, and washbasin drains, but does not include
12 drainage from toilets, urinals, hospitals, or cargo spaces.

13 (e) “Hazardous waste” has the meaning set forth in Section
14 25117 of the Health and Safety Code, but does not include
15 sewage.

16 ~~(e)—~~

17 (f) “Large passenger vessel” or “vessel” means a vessel of 300
18 gross registered tons or greater that is engaged in the carrying of
19 passengers for hire, excluding all of the following vessels:

20 (1) Vessels without berths or overnight accommodations for
21 passengers.

22 (2) Noncommercial vessels, warships, vessels operated by
23 nonprofit entities as determined by the Internal Revenue Service,
24 and vessels operated by the state, the United States, or a foreign
25 government.

26 (3) Oceangoing ships, as defined in subdivision ~~(f)~~ (j).

27 ~~(d)—~~

28 (g) “Marine waters of the state” means “coastal waters” as
29 defined in Section 13181 of the Water Code.

30 ~~(e)—~~

31 (h) “Marine sanctuary” means marine waters of the state in the
32 Channel Islands National Marine Sanctuary, Cordell Bank
33 National Marine Sanctuary, Gulf of the Farallones National
34 Marine Sanctuary, or Monterey Bay National Marine Sanctuary.

35 (i) “Medical waste” means medical waste subject to
36 regulation pursuant to Part 14 (commencing with Section
37 117600) of Division 104 of the Health and Safety Code.

38 ~~(f)—~~

39 (j) “Oceangoing ship” means a private, commercial,

1 government, or military vessel of 300 gross registered tons or
2 more calling on California ports or places.

3 ~~(g)~~

4 ~~(k)~~ “Oil” has the meaning set forth in Section 8750.

5 ~~(h)~~

6 ~~(l)~~ “Oily bilgewater” includes bilgewater that contains used
7 lubrication oils, oil sludge and slops, fuel and oil sludge, used oil,
8 used fuel and fuel filters, and oily waste.

9 ~~(i)~~

10 ~~(m)~~ “Operator” has the meaning set forth in Section 651 of the
11 Harbors and Navigation Code.

12 ~~(n)~~ “Other waste” means *photography laboratory chemicals,*
13 *dry cleaning chemicals, or medical waste.*

14 ~~(j)~~

15 ~~(o)~~ “Owner” has the meaning set forth in Section 651 of the
16 Harbors and Navigation Code.

17 ~~(k)~~

18 ~~(p)~~ “Release” means discharging or disposing of wastes into
19 the environment.

20 ~~(t)~~

21 ~~(q)~~ “Sewage” has the meaning set forth in Section 775.5 of the
22 Harbors and Navigation Code, including material that has been
23 collected or treated through a marine sanitation device as that
24 term is used in Section 312 of the Clean Water Act (33 U.S.C.
25 Sec. 1322) or material that is a byproduct of sewage treatment.

26 ~~(m)~~

27 ~~(r)~~ “Sewage sludge” has the meaning set forth in Section
28 122.2 of Title 40 of the Code of Federal Regulations.

29 ~~(n)~~

30 ~~(s)~~ “Sufficient holding tank capacity” means a holding tank of
31 sufficient capacity to contain sewage and graywater while the
32 oceangoing ship is within the marine waters of the state.

33 ~~(t)~~ “Waste” means *hazardous waste and other waste.*

34 ~~SEC. 9.—~~

35 ~~SEC. 10.~~ Section 72420 of the Public Resources Code is
36 amended to read:

37 72420. (a) If the appropriate federal agencies approve an
38 application made pursuant to subdivision (a) of Section 72440, or
39 if the board determines that an application is not required, an
40 owner or operator of a large passenger vessel or oceangoing ship

1 may not release, or permit anyone to release, any sewage sludge
2 from the vessel into the marine waters of the state or a marine
3 sanctuary.

4 ~~(b) An owner or operator of a large passenger vessel or~~
5 ~~oceangoing ship may not release, or permit anyone to release,~~
6 ~~any oily bilgewater from the vessel into the marine waters of the~~
7 ~~state or a marine sanctuary.~~

8 *(b) If the Administrator of the United States Environmental*
9 *Protection Agency approves the application for sewage release*
10 *made pursuant to subdivision (a) of Section 72440, or if the*
11 *board determines that an application is not required, an owner*
12 *or operator of an oceangoing ship with sufficient holding tank*
13 *capacity may not release, or permit anyone to release, any*
14 *sewage from the vessel into the marine waters of the state.*

15 *SEC. 11. Section 72420.1 is added to the Public Resources*
16 *Code, to read:*

17 *72420.1. (a) If the Administrator of the United States*
18 *Environmental Protection Agency approves the application for*
19 *sewage release made pursuant to subdivision (a) of Section*
20 *72440, or if the board determines that an application is not*
21 *required, an owner or operator of a large passenger vessel may*
22 *not release, or permit anyone to release, any sewage from the*
23 *vessel into the marine waters of the state.*

24 *(b) This section shall remain in effect only until January 1,*
25 *2010, and as of that date is repealed, unless a later enacted*
26 *statute, that is enacted before January 1, 2010, deletes or extends*
27 *that date.*

28 *SEC. 12. Section 72420.2 is added to the Public Resources*
29 *Code, to read:*

30 *72420.2. (a) An owner or operator of a large passenger*
31 *vessel shall not release, or permit anyone to release, from the*
32 *vessel, graywater into the marine waters of the state.*

33 *(b) An owner or operator of a large passenger vessel or*
34 *oceangoing ship shall not release, or permit anyone to release,*
35 *from the vessel, hazardous waste, other waste, or oily bilgewater*
36 *into the marine waters of the state or a marine sanctuary.*

37 *(c) An owner or operator of an oceangoing ship with sufficient*
38 *holding tank capacity shall not release, or permit anyone to*
39 *release, from the vessel, graywater into the marine waters of the*
40 *state.*

1 *SEC. 13. Section 72421 of the Public Resources Code, as*
2 *amended by Section 3 of Chapter 764 of the Statutes of 2004, is*
3 *repealed.*

4 ~~72421. (a) If a large passenger vessel releases sewage sludge,~~
5 ~~sewage, or oily bilgewater into the marine waters of the state or a~~
6 ~~marine sanctuary, the owner or operator shall immediately, but~~
7 ~~no later than 24 hours after the release, notify the board of the~~
8 ~~release. The owner or operator shall include all of the following~~
9 ~~information in the notification:~~

10 ~~(1) Date of the release.~~

11 ~~(2) Time of the release.~~

12 ~~(3) Location of the release.~~

13 ~~(4) Volume of the release.~~

14 ~~(5) Source of the release.~~

15 ~~(6) Remedial actions taken to prevent future releases.~~

16 ~~(b) This section shall remain in effect only until January 1,~~
17 ~~2010, and as of that date is repealed, unless a later enacted~~
18 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
19 ~~that date.~~

20 *SEC. 14. Section 72421 of the Public Resources Code, as*
21 *added by Section 4 of Chapter 764 of the Statutes of 2004, is*
22 *repealed.*

23 ~~72421. (a) If a large passenger vessel releases sewage sludge~~
24 ~~or oily bilgewater into the marine waters of the state or a marine~~
25 ~~sanctuary, the owner or operator shall immediately, but no later~~
26 ~~than 24 hours after the release, notify the board of the release.~~
27 ~~The owner or operator shall include all of the following~~
28 ~~information in the notification:~~

29 ~~(1) Date of the release.~~

30 ~~(2) Time of the release.~~

31 ~~(3) Location of the release.~~

32 ~~(4) Volume of the release.~~

33 ~~(5) Source of the release.~~

34 ~~(6) Remedial actions taken to prevent future releases.~~

35 ~~(b) This section shall become operative on January 1, 2010.~~

36 *SEC. 15. Section 72421 is added to the Public Resources*
37 *Code, to read:*

38 ~~72421. (a) The owner or operator shall immediately, but no~~
39 ~~later than 24 hours after a release, notify the board of any of the~~
40 ~~following:~~

1 (1) *A large passenger vessel release of graywater into the*
2 *marine waters of the state.*

3 (2) *Until January 1, 2010, a large passenger vessel release of*
4 *sewage into the marine waters of the state or a marine sanctuary.*

5 (3) *A large passenger vessel or ocean going ship release of*
6 *hazardous waste, other waste, sewage sludge, or oily bilgewater*
7 *into the marine waters of the state or a marine sanctuary.*

8 (4) *An oceangoing ship with sufficient holding capacity*
9 *release of sewage or graywater into the marine waters of the*
10 *state or a marine sanctuary.*

11 (b) *The owner or operator shall include all of the following in*
12 *the notification required pursuant to subdivision (a):*

13 (1) *Date of the release.*

14 (2) *Time of the release.*

15 (3) *Location of the release.*

16 (4) *Volume of the release.*

17 (5) *Source of the release.*

18 (6) *Remedial action taken to prevent future releases.*

19 SEC. 16. *Section 72425 of the Public Resources Code is*
20 *repealed.*

21 ~~72425. (a) If the Administrator of the United States~~
22 ~~Environmental Protection Agency approves the application for~~
23 ~~sewage made pursuant to subdivision (a) of Section 72440, or if~~
24 ~~the board determines that an application is not required, an owner~~
25 ~~or operator of a large passenger vessel may not release, or permit~~
26 ~~anyone to release, any sewage from the vessel into the marine~~
27 ~~waters of the state.~~

28 ~~(b) This section shall remain in effect only until January 1,~~
29 ~~2010, and as of that date is repealed, unless a later enacted~~
30 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
31 ~~that date.~~

32 ~~SEC. 10. Section 72421 of the Public Resources Code, as~~
33 ~~amended by Section 3 of Chapter 764 of the Statutes of 2004, is~~
34 ~~amended to read:~~

35 ~~72421. (a) If a large passenger vessel releases sewage sludge,~~
36 ~~sewage, or oily bilgewater, or an oceangoing ship releases~~
37 ~~sewage sludge or oily bilgewater, or an oceangoing ship with~~
38 ~~sufficient holding tank capacity releases sewage or graywater,~~
39 ~~into the marine waters of the state or a marine sanctuary, the~~
40 ~~owner or operator shall immediately, but no later than 24 hours~~

1 after the release, notify the board of the release. The owner or
2 operator shall include all of the following information in the
3 notification:

- 4 (1) ~~Date of the release.~~
- 5 (2) ~~Time of the release.~~
- 6 (3) ~~Location of the release.~~
- 7 (4) ~~Volume of the release.~~
- 8 (5) ~~Source of the release.~~
- 9 (6) ~~Remedial actions taken to prevent future releases.~~

10 (b) ~~This section shall remain in effect only until January 1,~~
11 ~~2010, and as of that date is repealed, unless a later enacted~~
12 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
13 ~~that date.~~

14 SEC. 11. ~~Section 72421 of the Public Resources Code, as~~
15 ~~added by Section 4 of Chapter 764 of the Statutes of 2004, is~~
16 ~~amended to read:~~

17 72421. (a) ~~If a large passenger vessel or oceangoing ship~~
18 ~~releases sewage sludge or oily bilgewater into the marine waters~~
19 ~~of the state or a marine sanctuary, or if an oceangoing ship with~~
20 ~~sufficient holding tank capacity releases sewage or graywater~~
21 ~~into the marine waters of the state, the owner or operator shall~~
22 ~~immediately, but no later than 24 hours after the release, notify~~
23 ~~the board of the release. The owner or operator shall include all~~
24 ~~of the following information in the notification:~~

- 25 (1) ~~Date of the release.~~
- 26 (2) ~~Time of the release.~~
- 27 (3) ~~Location of the release.~~
- 28 (4) ~~Volume of the release.~~
- 29 (5) ~~Source of the release.~~
- 30 (6) ~~Remedial actions taken to prevent future releases.~~

31 (b) ~~This section shall become operative on January 1, 2010.~~

32 SEC. 12. ~~Section 72425.5 is added to the Public Resources~~
33 ~~Code, to read:~~

34 72425.5. (a) ~~If the Administrator of the United States~~
35 ~~Environmental Protection Agency approves the application for~~
36 ~~sewage release made pursuant to subdivision (a) of Section~~
37 ~~72440, or if the board determines that an application is not~~
38 ~~required, an owner or operator of an oceangoing ship with~~
39 ~~sufficient holding tank capacity may not release, or permit~~

1 anyone to release, any sewage from the vessel into the marine
2 waters of the state.

3 ~~(b) The owner or operator of an oceangoing ship with~~
4 ~~sufficient holding tank capacity shall not release, or permit~~
5 ~~anyone to release, any graywater from the oceangoing ship into~~
6 ~~the marine waters of the state.~~

7 ~~SEC. 13.—~~

8 *SEC. 17.* Section ~~72425.6~~ 72423 is added to the Public
9 Resources Code, to read:

10 ~~72425.6.—~~

11 72423. An oceangoing ship with sufficient holding tank
12 capacity shall transfer sewage and graywater to a pumpout
13 facility, if that facility is available and accessible for the
14 oceangoing ship where the ship is docked.

15 ~~SEC. 14.—~~

16 *SEC. 18.* Section ~~72425.7~~ 72425 is added to the Public
17 Resources Code, to read:

18 ~~72425.7.—~~

19 72425. (a) (1) If the master, owner, operator, agent, or
20 person in charge of an oceangoing ship has operated, or has
21 caused to be operated, the oceangoing ship in the marine waters
22 of the state during 2006, that master, owner, operator, agent, or
23 person in charge, shall provide the information described in
24 subdivision (b) in electronic or written form to the ~~State Lands~~
25 ~~Commission~~ *commission* upon the vessel's departure from its
26 first port or place of call in California beginning in 2006.

27 (2) The information described in subdivision (b) shall be
28 submitted on a form developed by the commission.

29 (b) The master, owner, operator, or person in charge of the
30 oceangoing vessel shall maintain on board the vessel, in written
31 or electronic form, records that include all of the following
32 information:

33 (A) Vessel information, including all of the following:

34 (i) Name.

35 (ii) International Maritime Organization number or official
36 number if the International Maritime Organization number has
37 not been assigned.

38 (iii) Vessel type.

39 (iv) Owner or operator.

40 (v) Gross tonnage.

1 (vi) Keel laid date.

2 (vii) Port of registry.

3 (viii) Typical or required number of crew.

4 (B) Graywater information, including the vessel's ability to
5 store graywater while in California waters and size and capacity
6 of any graywater holding tanks, as measured in metric tons.

7 (C) Blackwater information, including the vessel's ability to
8 store blackwater while in California waters and size and capacity
9 of any blackwater holding tanks, as measured in metric tons.

10 (D) Marine sanitation devices information, including number,
11 size, and nature of devices on the vessel treating sewage prior to
12 discharge.

13 (E) Connections to ensure transfer of sewage and graywater to
14 pumpout facilities.

15 (F) California port of call information, including expected
16 number of calls, in days, in ports within the state during 2006.

17 (G) Certification of accurate information, including the printed
18 name, title, and signature of the master, owner, operator, or
19 person in charge, or responsible officer attesting to the accuracy
20 of the information provided.

21 (c) The commission shall submit the reported information to
22 the board on or before February 1, 2007. The board shall submit
23 the reported information to the Legislature on or before April 1,
24 2007. The board may submit the report to the Legislature in an
25 electronic form.

26 *SEC. 19. Section 72430 of the Public Resources Code, as*
27 *amended by Section 6 of Chapter 764 of the Statutes of 2004, is*
28 *amended to read:*

29 72430. (a) A person who violates Section 72420 or ~~72425~~
30 ~~72420.2, or until January 1, 2010, Section 72420.1,~~ is subject to
31 a civil penalty of not more than twenty-five thousand dollars
32 (\$25,000) for each violation.

33 (b) The civil penalty imposed for each separate violation
34 pursuant to this section is separate from, and in addition to, any
35 other civil penalty imposed for a separate violation pursuant to
36 this section or any other provision of law.

37 (c) In determining the amount of a civil penalty imposed
38 pursuant to this section, the court shall take into consideration all
39 relevant circumstances, including, but not limited to, the nature,
40 circumstance, extent, and gravity of the violation. In making this

determination, the court shall consider the degree of toxicity and volume of the release, the extent of harm caused by the violation, whether the effects of the violation may be reversed or mitigated, and with respect to the defendant, the ability to pay, the effect of a civil penalty on the ability to continue in business, all voluntary cleanup efforts undertaken, the prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and all other matters the court determines justice may require.

(d) (1) A civil action brought under this section may only be brought in accordance with this subdivision. That civil action may be brought by the Attorney General upon complaint or request by the Department of Fish and Game or the appropriate California regional water quality control board, or by a district attorney or city attorney.

(2) Notwithstanding Section 13223 of the Water Code, a regional water quality control board may delegate to its executive officer authority to request the Attorney General for judicial enforcement under this section.

(3) If a district attorney or city attorney brings an action under this section, the action shall be in the name of the people of the State of California.

(4) An action relating to the same violation may be joined or consolidated.

~~(e) This section shall become inoperative on January 1, 2010, and, as of January 1, 2010, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 20. Section 72430 of the Public Resources Code, as added by Section 7 of Chapter 764 of the Statutes of 2004, is repealed.

~~72430. (a) A person who violates Section 72420 is subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation.~~

~~(b) The civil penalty imposed for each separate violation pursuant to this section is separate from, and in addition to, any other civil penalty imposed for a separate violation pursuant to this section or any other provision of law.~~

~~(e) In determining the amount of a civil penalty imposed pursuant to this section, the court shall take into consideration all relevant circumstances, including, but not limited to, the nature, circumstance, extent, and gravity of the violation. In making this determination, the court shall consider the degree of toxicity and volume of the release, the extent of harm caused by the violation, whether the effects of the violation may be reversed or mitigated, and with respect to the defendant, the ability to pay, the effect of a civil penalty on the ability to continue in business, all voluntary cleanup efforts undertaken, the prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and all other matters the court determines justice may require.~~

~~(d) (1) A civil action brought under this section may only be brought in accordance with this subdivision. That civil action may be brought by the Attorney General upon complaint or request by the Department of Fish and Game or the appropriate California regional water quality control board, or by a district attorney or city attorney.~~

~~(2) Notwithstanding Section 13223 of the Water Code, a regional water quality control board may delegate to its executive officer authority to request the Attorney General for judicial enforcement under this section.~~

~~(3) If a district attorney or city attorney brings an action under this section, the action shall be in the name of the people of the State of California.~~

~~(4) An action relating to the same violation may be joined or consolidated.~~

~~(e) This section shall become operative on January 1, 2010.
SEC. 15.—~~

SEC. 21. Section 72440 of the Public Resources Code, as amended by Section 8 of Chapter 764 of the Statutes of 2004, is amended to read:

72440. (a) (1) The board shall determine whether it is necessary to apply to the federal government for the state to prohibit the release of sewage or sewage sludge from large passenger vessels, and oceangoing ships with sufficient holding tank capacity, into the marine waters of the state or to prohibit the release of sewage sludge from large passenger vessels and oceangoing ships into marine sanctuaries, as described in

1 subdivision (a) of Section 72420, subdivision (a) of Section
2 ~~72425~~ 72420.1, and Section ~~72425.5~~ 72420.2. If the board
3 determines that application is necessary for either sewage or
4 sewage sludge, or both, it shall apply to the appropriate federal
5 agencies, as determined by the board, to authorize the state to
6 prohibit the release of sewage or sewage sludge, or both, as
7 necessary, from large passenger vessels, and oceangoing ships
8 with sufficient holding tank capacity, into the marine waters of
9 the state and, if necessary, to authorize the state to prohibit the
10 release of sewage sludge from large passenger vessels and
11 oceangoing ships into marine sanctuaries.

12 (2) It is not the Legislature's intent to establish for the marine
13 waters of the state a no discharge zone for sewage from all
14 vessels, but only for a class of vessels.

15 (b) The board shall request the appropriate federal agencies, as
16 determined by the board, to prohibit the release of sewage sludge
17 and oily bilgewater, except under the circumstances specified in
18 Section 72441, by large passenger vessels and oceangoing ships,
19 in all of the waters that are in the Channel Islands National
20 Marine Sanctuary, Cordell Bank National Marine Sanctuary,
21 Gulf of the Farallones National Marine Sanctuary, and Monterey
22 Bay National Marine Sanctuary, that are not in the state waters.

23 (c) This section shall remain in effect only until January 1,
24 2010, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2010, deletes or extends
26 that date.

27 *SEC. 22. Section 72440.1 is added to the Public Resources*
28 *Code, to read:*

29 *72440.1. The board shall request the appropriate federal*
30 *agencies, as determined by the board, to prohibit the release of*
31 *waste by large passenger vessels or oceangoing ships in all of*
32 *the waters in the Channel Islands National Marine Sanctuary,*
33 *Cordell Bank National Marine Sanctuary, Gulf of the Farallones*
34 *National Marine Sanctuary, and Monterey Bay National Marine*
35 *Sanctuary; and, request, if necessary, approval of the state's*
36 *prohibition of the release of waste in the marine sanctuaries.*

37 ~~SEC. 16.—~~

38 *SEC. 23. Section 72441 of the Public Resources Code is*
39 *amended to read:*

1 72441. (a) This division does not apply to either of the
2 following:

3 (1) A large passenger vessel or oceangoing ship that operates
4 in the marine waters of the state solely in innocent passage.

5 (2) Discharges made for the purpose of securing the safety of
6 the large passenger vessel or oceangoing ship or saving life at
7 sea, if reasonable precautions are taken for the purpose of
8 preventing or minimizing the discharge.

9 (b) For the purposes of this section, a vessel is engaged in
10 innocent passage if its operation in state waters would constitute
11 innocent passage under either the Convention on the Territorial
12 Sea and Contiguous Zone, dated April 29, 1958, or the United
13 Nations Convention on the Law of the Sea, dated December 10,
14 1982.

15 *SEC. 24. Division 39 (commencing with Section 72500) of the*
16 *Public Resources Code is repealed.*

17 ~~SEC. 17. The heading of Division 39 (commencing with~~
18 ~~Section 72500) of the Public Resources Code is amended to read:~~

19
20 ~~DIVISION 39. PROHIBITED RELEASE OF WASTES~~
21 ~~FROM LARGE PASSENGER VESSELS AND OCEANGOING~~
22 ~~SHIPS~~
23

24 ~~SEC. 18. Section 72500 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~72500. The Legislature finds and declares all of the~~
27 ~~following:~~

28 ~~(a) Large passenger vessels and oceangoing ships produce~~
29 ~~considerable amounts of waste, including graywater, sewage, and~~
30 ~~other forms of solid and liquid waste.~~

31 ~~(b) California is home to four of the 13 National Marine~~
32 ~~Sanctuaries. These areas support some of the world's most~~
33 ~~diverse marine ecosystems and are home to numerous mammals,~~
34 ~~seabirds, fish, invertebrates, and plants.~~

35 ~~(c) The release of waste from large passenger vessels and~~
36 ~~oceangoing ships results in substantial damage to these valuable~~
37 ~~resources.~~

38 ~~(d) In order to protect public health and the environment, it is~~
39 ~~in the public interest to prohibit large passenger vessels and~~
40 ~~oceangoing ships from releasing waste into marine sanctuaries.~~

~~(e) The protection and enhancement of the quality of the marine waters of the state and marine sanctuaries requires that the release from large passenger vessels and oceangoing ships of hazardous waste and other waste, into the marine waters of the state and marine sanctuaries, should be prohibited.~~

~~SEC. 19. Section 72505 of the Public Resources Code is amended to read:~~

~~72505. Unless the context otherwise requires, the following definitions govern this division:~~

~~(a) "Board" means the State Water Resources Control Board.~~

~~(b) "Hazardous waste" has the meaning set forth in Section 25117 of the Health and Safety Code, but does not include sewage.~~

~~(c) "Commission" means the State Lands Commission.~~

~~(d) "Graywater" means drainage from dishwasher, shower, laundry, bath, and washbasin drains, but does not include drainage from toilets, urinals, hospitals, or cargo spaces.~~

~~(e) "Large passenger vessel" or "vessel" means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:~~

~~(1) Vessels without berths or overnight accommodations for passengers.~~

~~(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.~~

~~(3) Oceangoing ships, as defined in subdivision (i).~~

~~(f) "Marine waters of the state" means "coastal waters" as defined in Section 13181 of the Water Code.~~

~~(g) "Marine sanctuary" means marine waters of the state in the Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary, or Monterey Bay National Marine Sanctuary.~~

~~(h) "Medical waste" means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.~~

~~(i) "Oceangoing ship" means a private, commercial, government, or military vessel of 300 gross registered tons or more calling on California ports or places.~~

1 (j) ~~“Operator” has the meaning set forth in Section 651 of the~~
2 ~~Harbors and Navigation Code.~~

3 (k) ~~“Other waste” means photography laboratory chemicals,~~
4 ~~dry cleaning chemicals, or medical waste.~~

5 (l) ~~“Owner” has the meaning set forth in Section 651 of the~~
6 ~~Harbors and Navigation Code.~~

7 (m) ~~“Release” means discharging or disposing of wastes into~~
8 ~~the environment.~~

9 (n) ~~“Waste” means hazardous waste and other waste.~~

10 SEC. 20. ~~Section 72520 of the Public Resources Code is~~
11 ~~amended to read:~~

12 ~~72520. An owner or operator of a large passenger vessel or~~
13 ~~oceangoing ship may not release, or permit anyone to release,~~
14 ~~from the vessel, into the marine waters of the state or a marine~~
15 ~~sanctuary, either of the following:~~

16 ~~(a) Hazardous waste.~~

17 ~~(b) Other waste.~~

18 SEC. 21. ~~Section 72521 of the Public Resources Code is~~
19 ~~amended to read:~~

20 ~~72521. If a large passenger vessel or oceangoing ship releases~~
21 ~~hazardous waste or other waste into the marine waters of the state~~
22 ~~or a marine sanctuary, or a large passenger vessel releases~~
23 ~~graywater into the marine waters of the state, the owner or~~
24 ~~operator shall immediately, but no later than 24 hours after the~~
25 ~~release, notify the board of the release. The owner or operator~~
26 ~~shall include all of the following information in the notification:~~

27 ~~(a) Date of the release.~~

28 ~~(b) Time of the release.~~

29 ~~(c) Location of the release.~~

30 ~~(d) Volume of the release.~~

31 ~~(e) Source of the release.~~

32 ~~(f) Remedial actions taken to prevent future releases.~~

33 SEC. 22. ~~Section 72540 of the Public Resources Code is~~
34 ~~amended to read:~~

35 ~~72540. (a) This division does not apply to a large passenger~~
36 ~~vessel or oceangoing ship that operates in the marine waters of~~
37 ~~the state solely in innocent passage.~~

38 ~~(b) For purposes of this section, a vessel is engaged in~~
39 ~~innocent passage if its operation in state waters would constitute~~
40 ~~innocent passage under either the Convention on the Territorial~~

1 ~~Sea and Contiguous Zone, dated April 29, 1958, or the United~~
2 ~~Nations Convention on the Law of the Sea, dated December 10,~~
3 ~~1982.~~

4 ~~SEC. 23. Section 72542 of the Public Resources Code is~~
5 ~~amended to read:~~

6 ~~72542. The board shall request the appropriate federal~~
7 ~~ageneies, as determined by the board, to prohibit the release of~~
8 ~~waste by large passenger vessels or oceangoing ships in all of the~~
9 ~~waters in the Channel Islands National Marine Sanctuary,~~
10 ~~Cordell Bank National Marine Sanctuary, Gulf of the Farallones~~
11 ~~National Marine Sanctuary, and Monterey Bay National Marine~~
12 ~~Sanctuary; and, request, if necessary, approval of the state's~~
13 ~~prohibition of the release of waste in the marine sanctuaries.~~